

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

SYDNEY DURELL HILL,

Plaintiff,

v.

AMBER C. PAYMENT,

Defendant.

Case No. 2:19-cv-48

HON. JANET T. NEFF

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**OPINION AND ORDER**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983 involving alleged deliberate indifference to Plaintiff's serious medical needs. Defendant filed a motion for summary judgment, arguing that there are no issues of material fact and that she did not act with deliberate indifference to Plaintiff's medical needs (ECF No. 105). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending the Court grant Defendant's motion (ECF No. 110). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (ECF No. 111). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff objects to the Magistrate Judge's conclusion that there was no genuine issue of material fact bearing on the subjective component of Plaintiff's deliberate indifference claim. In reaching this conclusion, the Magistrate Judge found that Plaintiff's complaint that he should have

received stronger pain medication on July 25, 2018 constituted a disagreement over medical treatment. The Magistrate Judge also found that the treatment Plaintiff received on August 1, 2018 was not “so woefully inadequate as to amount to no treatment at all” because Plaintiff received antibiotics and pain medication shortly thereafter.

Plaintiff’s objections do not identify any legal or factual error in the Magistrate Judge’s analysis or conclusion. He largely disagrees with the Magistrate Judge’s conclusion. However, “an objection that does nothing more than state a disagreement with the magistrate’s suggested resolution, or simply summarizes what has been presented before, is not an ‘objection’ as that term is used in the context of Federal Rule of Civil Procedure 72.” *Brown v. City of Grand Rapids*, No. 16-2433, 2017 WL 4712064, at \*2 (6th Cir. June 16, 2017).

As the Magistrate Judge correctly explained, Plaintiff was seen by Defendant on two occasions. First, at the July 25, 2018 appointment, Plaintiff received an over-the-counter pain medication for his finger and a follow-up appointment was scheduled. Second, at the August 1, 2018 follow-up appointment, Defendant referred Plaintiff for a chart review by his provider, who prescribed Plaintiff antibiotics. Plaintiff believes that he should have received stronger pain medication sooner. However, mere disagreement over medical treatment does not rise to the level of a constitutional claim. *Rhinehart v. Scutt*, 894 F.3d 721, 740 (6th Cir. 2018). The Court does not deny or minimize the suffering Plaintiff has faced. Rather, the Court agrees with the Magistrate Judge’s conclusion that Plaintiff has failed to meet his burden to show that a genuine issue of material fact exists as to whether Defendant was deliberately indifferent to Plaintiff’s medical needs.

Accordingly, Plaintiff’s objections are denied and the R&R is adopted as the Opinion of the Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV.

P. 58. Because this action was filed *in forma pauperis*, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

**IT IS HEREBY ORDERED** that the Objections (ECF No. 111) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 110) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 105) is GRANTED.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: May 1, 2023

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge